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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,451	04/02/2004	John Weinel	1948.001US1	1611
21186	7590	05/10/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			SOTELO, JESUS D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/817,451

**Applicant(s)**

WEINEL, JOHN

**Examiner**

Jesús D. Sotelo

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-54 are in the application.
2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal and figures 1, 3, and 5 were not properly reproduced. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 31-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitations in claims 31, 32, 33, 34, and 35 are not deemed to be supported by the disclosure. It is not particularly clear that in an avalanche of snow actuating the device to inflate the bladder will suspend a person or vehicle attached thereto. With reference to claims 32 and 33, these claims present statements of desired functional result

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 8, 28-30, 38-41, 42, 47, 49 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Bianco.

Bianco discloses apparatus including a portable bundle comprising a pouch 4 having an inflatable bladder 2 having a toroid configuration when inflated; a gas canister 12, an opening mechanism coupled to the gas canister; a tether 11 coupled to the inflatable bladder and including a fastening clasp; and manual trigger 17 coupled to the opening mechanism. The pouch 4 includes a seam dimensioned and configured to separate during inflation of the inflatable bladder; the seam is disclosed as being closeable with Velcro material; The pouch includes straps 6 for removably coupling the bundle to a person or vehicle; the straps include fasteners. The inflatable bladder defines an orifice extending through the inflatable bladder. The structure defined by Bianco and the disclosed operation thereof encompasses the above listed method claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco.

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The use of hook and loop material as fasteners in lieu of buckles is well known in the art and its application on the straps 6 of Bianco would have been an obvious matter of design choice to one skilled in the art.

9. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco in view of Williams.

Bianco discloses a toroid inflatable bladder 8 including a web 9 secured to the inflatable bladder. Williams discloses a similar inflatable bladder including a similar web provided in the area between the inflatable members. The web is removable. In view of these disclosures, it would have been obvious to one skilled in the art to provide the toroid inflatable bladder of Bianco with a removable web member generally as taught by Williams. The use of a removable seat would have been desirable to facilitate the user to get inside the toroid inflatable bladder generally as taught by Williams. The removable seat is interconnected by means of buckles. However, the use of hook and loop material in lieu of buckles is well known in the art and its application in the arrangement above would have been an obvious matter of design choice.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco in view of Calkin.

Calkin discloses a wearable personal emergency rescue apparatus and teaches the use of a carabiner for fastening a tether to the rescue device. In view of these disclosures, it would have been obvious to one skilled in the art to use a carabiner in the arrangement of Bianco for securing the tether 11 to the inflatable bladder generally as taught by Calkin.

11. Claims 12-21, 23-25, 36, 37, 43-45, 48, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco in view of Burr.

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In Bianco, the cartridge is opened by means of an electric valve. The use of rip cord operated pins to puncture a compressed air cartridge for inflating a life saving device is known in the art as taught by Burr. In view of these disclosures, it would have been obvious to one skilled in the art to substitute for the inflating system disclosed by Bianco with a cartridge system including a rip cord and puncturing pin, generally as taught by Burr. The use of a system including a rip cord actuating a puncturing pin would be desirable as it does not depend on maintaining the integrity of the electrical connections. The use of hook and loop connectors to substitute buckle connectors is deemed to have been an obvious matter of design choice to one skilled in the art.

Claims 22 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco in view of Burr and Calkin.

Calkin discloses a wearable personal emergency rescue apparatus and teaches the use of a carabiner for fastening a tether to the rescue device. In view of these disclosures, it would have been obvious to one skilled in the art to use a carabiner in the arrangement of Bianco for securing the tether 11 to the inflatable bladder generally as taught by Calkin.

12. Claims 26, 27, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco in view of Burr and Williams.

Bianco discloses a toroid inflatable bladder 8 including a web 9 secured to the inflatable bladder. Williams discloses a similar inflatable bladder including a similar web provided in the area between the inflatable members. The web is removable. In view of these disclosures, it would have been obvious to one skilled in the art to provide the toroid inflatable bladder of Bianco with a removable web member generally as taught by Williams. The use of a removable seat would

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have been desirable to facilitate the user to get inside the toroid inflatable bladder generally as taught by Williams. The removable seat is interconnected by means of buckles. However, the use of hook and loop material in lieu of buckles is well known in the art and it's application in the arrangement above would have been an obvious matter of design choice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is 571-272-6686. The examiner can normally be reached on Mon. - Fri. 6:00 AM -2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jesús D. Sotelo*  
*Jesús D. Sotelo 5/4/05*  
**Primary Examiner**  
**Art Unit 3617**  
KNX 03D69 ☺

sotelo;jds  
May 4, 2005